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UNCLAS THE HAGUE 002859

SIPDIS

STATE FOR L/LEI AND EUR/UBI
JUSTICE FOR OIA/JFRIEDMAN

E.O. 12958: N/A

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SUBJECT: DUTCH GOVERNMENT WILL APPEAL INJUNCTION AGAINST
EXTRADITION OF MOHAMED ABDELLA ABD ELAAL AWAD

REF: THE HAGUE 2765

1. Justice Minister Donner has approved filing an appeal of The Hague District Court's October 12 injunction against the Minister's extradition order for Mohamed Awad, wanted in the U.S. on fraud charges. The state attorney is expected to file the appeal with The Hague Appellate Court on October

26. Although the appellate court will be asked to consider the appeal as soon as possible, it may be several months before the court rules. The Hague District Court ruling indicated that it granted the injunction against Awad's extradition because it regarded the guarantees provided by the U.S. Government that Awad would not be prosecuted on charges other than those specified in the extradition request as "insufficient" and "not sufficiently specific."

2. Separately, the Supreme Court will consider Awad's request for release from detention October 21. Ministry of Justice contacts have told us that they cannot predict which way the Supreme Court is likely to rule on the request. The Court has been informed that an appeal of the injunction will be filed, but it is not clear how that will factor into the Court's decision on releasing Awad from custody.

Blakeman